BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

MARILYN R. FULLER Claimant	
VS.	Docket No. 262,620
FARMERS INSURANCE COMPANY Respondent)	Booket 146. 262,026
AND	
LIBERTY MUTUAL INSURANCE COMPANY Insurance Carrier	

AGREED ORDER

The Board's April 30, 2003, Order was the subject of an appeal by claimant to the Kansas Court of Appeals. In an opinion filed on January 16, 2004, the Kansas Court of Appeals reversed and remanded the matter to the Board with directions to exclude the claimant's sick pay and vacation pay from the calculation of her post-injury average weekly wage.

The parties stipulate and agree the Board's April 30, 2003, Order should be corrected and modified to find claimant is entitled to receive permanent partial disability benefits for a 21 percent work disability (a permanent partial general disability greater than the whole body functional impairment rating) for the period commencing August 27, 2001. The 21 percent work disability is based upon a 50 percent wage loss, a zero percent task loss, and a four percent preexisting whole body functional impairment rating.

AWARD

WHEREFORE, the Board modifies its April 30, 2003, Order, as follows:

Marilyn R. Fuller is granted compensation from Farmers Insurance Company and its insurance carrier for a December 18, 2000, accident and resulting disability. Based upon an average weekly wage of \$880.14, for the period from December 18, 2000, through August 26, 2001, Ms. Fuller is entitled to receive 33 weeks of temporary total disability benefits at \$401 per week, or \$13,233, along with three weeks of permanent disability benefits at \$401 per week, or \$1,203, for a 46 percent permanent partial general disability.

MARILYN R. FULLER

For the period commencing August 27, 2001, Ms. Fuller has a 21 percent permanent partial general disability and is entitled to receive an additional 80.37 weeks of permanent disability benefits at \$401 per week, or \$32,228.37, giving her a total award of \$46,664.37, which is all due and owing less any amounts previously paid.

The Board incorporates the findings, conclusions and orders from its April 30, 2003, Order that are not inconsistent with the above.

IT IS SO ORDERED.		
Dated this day of Ap	ril 2004.	
Approved by:		
John G. O'Connor, #10362 Attorney for Claimant Robb, Taylor & O'Connor 327 Armstrong Avenue Kansas City, Kansas 66101 Ph: 913-321-9600 Fax: 913-321-0	-0199	John R. Emerson, #17844 Attorney for Respondent and its Insurance Carrier McAnany, Van Cleave & Phillips, P.A. 707 Minnesota Avenue, 4th Floor P.O. Box 171300 Kansas City, Kansas 66117 Ph: 913-371-3838 Fax: 913-371-4722
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c: John G. O'Connor, Attorney for Claimant John R. Emerson, Attorney for Respondent and its Insurance Carrier Robert H. Foerschler, Administrative Law Judge Paula S. Greathouse, Workers Compensation Director